

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED MAY 14 2020 CLERK, U.S. DISTRICT COURT By _____ Deputy

KEPHREN THOMAS #20008708
PETITIONER

CASE No. **3-20CV1258-C**

MARTIAN BROWN DALLAS COUNTY
SHERIFF
RESPONDENT

MOTION FOR TEMPORARY
RESTRAINING ORDER/
PRELIMINARY INJUNCTION

TO THE PRESIDING JUDGE FOR THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS
DIVISION:

COMES NOW, KEPHREN THOMAS, HEREINAFTER PETITIONER
SEEKING A TEMPORARY RESTRAINING ORDER & PRELIMINARY
INJUNCTION FOR IMMEDIATE RELEASE FROM
CUSTODY, STEMMING FROM THE COVID-19 PANDEMIC

PETITIONER HEREBY ALLEGES THAT THE CONDITIONS OF
CONFINEMENT WITHIN THE FACILITY VIOLATE THE DUE PROCESS
CLAUSE OF THE 5TH & 14TH AMENDMENT TO THE UNITED STATES
CONSTITUTION. THE CONDITIONS AMOUNT TO PUNISHMENT OF A
PRE TRIAL DETAINEE WITH NO LEGITIMATE PURPOSE. THE LACK
OF IMPLEMENTATION OF PROPHYLACTIC PROCEDURES & REFUSAL
TO PROTECT PETITIONER FROM HARM ASSOCIATED WITH COVID-
19 SIGNIFIES DELIBERATE INDIFFERENCE TO PETITIONERS DUE
PROCESS RIGHTS WHEN THE COURT TAKES INTO ACCOUNT
PETITIONERS UNDERLYING MEDICAL CONDITION(S)

PETITIONER & MOVANT ALLEGES THAT 1 THERE IS A SUBSTANTIAL
LIKELIHOOD OF SUCCESS ON THE MERITS; 2. A SUBSTANTIAL THREAT
OF IRREPARABLE HARM IF THE INJUNCTION IS NOT GRANTED; 3.
THE THREATENED INJURY OUTWEIGHS ANY HARM THAT MAY RESULT

FROM THE INJUNCTION TO THE NON-MOVANT, & (4) THAT THE INJUNCTION WILL NOT UNDERMINE THE PUBLIC INTEREST

WHEREFORE PETITIONER REQUESTS THE COURT GRANT PETITIONERS ^{REQUEST} ~~REQUEST~~ FOR TEMPORARY RESTRAINING ORDER & PRELIMINARY INJUNCTION DIRECTING DALLAS COUNTY SHERIFF RELEASE PETITIONER IMMEDIATELY, SUBJECT TO BOND CONDITIONS IN CAUSE No F2036078 & M2020487 TO ALLOW PETITIONER TO PAY ELECTRONIC MONITORING & ANY OTHER FEES AS REIMBURSEMENT FEES, COURT COSTS OR WAIVE FEES. TO ORDER DALLAS COUNTY COURT NOT TO RE-ARREST PETITIONER PENDING THE HEARING ON SAID HABEAS CORPUS UNLESS PETITIONER VIOLATES CONDITION(S) OF RELEASE PETITIONERS MEDICAL RECORDS BE FILED UNDER SEAL TO MAINTAIN THE PRIVACY OF SAID RECORDS & GIVE EMERGENCY CONSIDERATION TO SAID MOTION(S)

I, THE UNDERSIGNED AFFIANT, BEING COMPETENT & HAVING PERSONAL KNOWLEDGE OF THE FACTS CONTAINED HEREIN, VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES ARE TRUE & CORRECT IN ACCORDANCE WITH 28 USC §1746

5/11/20
DATE

KEPHREN THOMAS
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